

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:10-cr-00103-MOC

UNITED STATES OF AMERICA,

Vs.

BRUCE WARREN FARLOW,

Defendant(s).

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ORDER

THIS MATTER is before the court on defendant's pro se Motion to Terminate Probation (#23). Review of the Judgment in this matter reveals that defendant was sentenced to an active term of imprisonment, followed by three years of supervised release, not probation. A motion for early termination of supervised release is governed by 18 U.S.C. § 3583(e)(1) and Rule 32.1, Fed.R.Crim.P. While such rule does not place restrictions on who may file a Motion for Early Termination, meritorious requests are typically sponsored by the probation officer supervising the defendant.

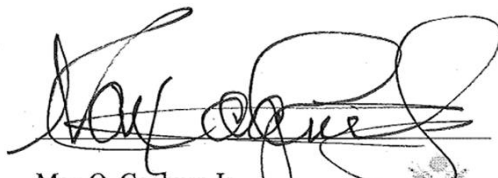
In the instant motion, defendant reflects that his case officer does not join in the motion, stating that defendant has not been in supervised release long enough. While Section 3583(e)(1) provides that supervision may be terminated after one year, the court must be "satisfied that such action is warranted by the conduct of the defendant" Id. While defendant states that he has complied with the payment schedule in the Order of restitution and obeyed all laws while on release, the court is not satisfied by such unsworn statement. Defendant is advised that such evidence is usually presented in the form of affidavits or unsworn declarations, and usually includes a positive recommendation from his supervising officer. Defendant is advised that while

it is *possible* to have supervised release terminated without support from his supervising officer, nearly all successful motions include a positive recommendation from the supervising officer. Having considered defendant's motion and reviewed the pleadings, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that defendant's Motion to Terminate Probation (#23) is **DENIED** without prejudice as to the later filing of a motion supported by evidence indicating that such relief is warranted by his conduct while on release and is also in the interests of justice.

Signed: October 8, 2013



Max O. Cogburn Jr.
United States District Judge